

NUNC PRO TUNC

JUN 27 2008

FILED

1 WILLIAM JOHN DAUGHERTY

2008 JUL -3 AM 10:21

2 CDCR # F-7998S

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

3 P.O. BOX 2349/D10-110UP

4 CHUCKAWALLA VALLEY STATE PRISON

BY RL DEPUTY

5 BLYTHE, CALIFORNIA 92226

6
7 UNITED STATES DISTRICT COURT

8 SOUTHERN DISTRICT OF CALIFORNIA

9
10 WILLIAM JOHN DAUGHERTY, CIVIL CASE NO. 08 CV 0408 WQH (BLM)

11 PLAINTIFF, V. } MOTION AND REQUEST FOR ISSUANCE

12 DENNIS WILSON, SD.P.D., } OF CIVIL SUBPOENA (DUCES

13 ESMERALDA TAGABAN, SD.P.D., } TECUM) FOR PRODUCTION OF

14 SGT. GRIFFIN, SD.P.D., } DOCUMENTS AS DISCOVERY AND

15 DET. LEMUS, SD.P.D., } EXHIBITS FOR JURY TRIAL

16 CITY OF SAN DIEGO, } WITH DECLARATIONS AND PROOF

17 SANDIEGO POLICE DEPT. } OF SERVICE.

18 DEFENDANT

19 DATE: 19 JUNE 2008

20
21 I, WILLIAM JOHN DAUGHERTY, PETITIONER AND PLAINTIFF
22 IN THE ABOVE ACTION, PROCEEDING PRO SE AND IN
23 FORMA PAUPERIS, DO HEREBY REQUEST AND MOVE THAT
24 THE COURT ORDER THE PRODUCTION OF THE BELOW LISTED
25 DOCUMENTS, RECORDS AND MATERIALS, INCLUDING ALL
26 PRESERVED BY MEANS MECHANICAL, ELECTRONIC OR
27 OTHERWISE, AND THAT SAID DOCUMENTS BE DELIVERED
28 INTO THE CUSTODY OF THE PLAINTIFF, PURSUANT

CONTINUED

WILLIAM JOHN DAUGHERTY V. D. WILSON, ET AL.
CIVIL CASE NO.
08 CV 0408 WQH(BLM)

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DATE:

1 MOTION AND REQUEST FOR ISSUANCE OF SUBPOENA
2 PRODUCTION OF DOCUMENTS AS DISCOVERY

3
4 TO FEDERAL RULES OF CIVIL PROCEDURE, RULE(S) 45
5 26, 37 AND 34. THE PARTY NAMED BELOW HAS
6 CONTROL AND POSSESSION OR WILL ACQUIRE POSSESSION
7 OF THE FOLLOWING LISTED DOCUMENTS OR MATERIALS
8 WHEREAS THEY ARE MATERIAL TO THE PROOF OF
9 THE ISSUES INVOLVED IN THIS CASE. GOOD CAUSE
10 EXISTS FOR THE PRODUCTION OF MATERIALS AND NOTA
11 OF RELEVANCE AND PROBATIVE VALUE FOLLOWS DESCRIPTION
12 OF EACH REQUESTED ITEM. THE COURT IS REQUESTED
13 TO IMPLEMENT THE PRESCRIBED PENALTIES FOR
14 FAILURE TO COMPLY WITH ITS ORDER. (FRCP 37)
15 AND IT IS FURTHER REQUESTED THAT PRODUCTION AND
16 DELIVERY BE PERFORMED WITHIN A REASONABLES PERIOD,
17 AND AS PETITIONER IS IN FORMA PAUPERIS, THAT
18 ALL FEES INCURRED IN ISSUING AND SERVICE OF SUBPOENA
19 BE BORNE AND ADVANCED BY THE UNITED STATES
20 PENDING SUCCESSFUL SETTLEMENT OR VERDICT.
21 IN THE CASE OF MEDICAL RECORDS OF REQUESTOR; ALL LEGAL
22 CLAIMS REGARDING PRIVACY ISSUES ARE HEREBY REIMBURSED
23 AND REQUESTOR IS NOT HELD LIABLE FOR OBEDIENCE TO COURTS
24 COMMAND TO PRODUCE. WRITTEN OBSERVATIONS AND CONCLUSIONS MAY
25 BE SUBSTITUTED IN LIEU OF RADIOGRAPHIC (INCLUDING SONOGRAM &
26 X-RAYS), IF REPRODUCTION OF SUCH IMPOSES UNDUE BURDEN AND
27 EXPENSE.

28

WILLIAM DAUGHERTY
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RE: 08CV0408 WQH(BLM)

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REQUEST FOR CIVIL SUBPOENA DUCES TECUM

FEDERAL RULES OF CIVIL PROCEDURE RULE 45(a)(1)(C) & (D)

ADVISEMENT TO SUBPOENAED

F.R.C.P. 45(a)(1)(C)

COMBINING OR SEPARATING COMMAND TO PRODUCE OR PERMIT INSPECTION, SPECIFYING THE FORM FOR ELECTRONICALLY STORED INFORMATION; A COMMAND TO PRODUCE DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS OR TO PERMIT THE INSPECTION OF PREMISES MAY BE INCLUDED IN A SUBPOENA COMMANDING ATTENDANCE AT A DISPOSITION HEARING, OR TRIAL OR MAY BE SET OUT IN A SEPARATE SUBPOENA. A SUBPOENA MAY SPECIFY THE FORM OR FORMS IN WHICH ELECTRONICALLY STORED INFORMATION ~~IS~~ IS TO BE PRODUCED.

F.R.C.P. 45(a)(1)(D)

COMMAND TO PRODUCE; INCLUDED OBLIGATIONS: A COMMAND TO PRODUCE DOCUMENT, ELECTRONICALLY STORED INFORMATION OR TANGIBLE THINGS REQUIRES THE RESPONDING PARTY TO PERMIT INSPECTION, COPYING, TESTING OR SAMPLING OF THE MATERIALS.

THE COURT IS REQUESTED TO COMMAND THE PRODUCTION AND

DELIVERY TO MOVANT THE FOLLOWING DESCRIBED MATERIALS;
INCLUDING THOSE MECHANICALLY AND/OR ELECTRONICALLY STORED:

WILLIAM DAUGHERTY
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REQUEST FOR CIVIL SUBPOENA(DUCES TECUM)

ITEMS TO BE PRODUCED:

I. MEDICAL

ALL MEDICAL RECORDS FOR THE ABOVE NAMED
INDIVIDUAL FOR THE PERIOD (DATE)
UNTIL (DATE)

II. PSYCHOLOGICAL

ALL PSYCHOLOGICAL RECORDS FOR THE ABOVE NAMED
INDIVIDUAL FOR THE PERIOD (DATE)
UNTIL (DATE)

THIS REQUEST ACTS AS RELEASE OF MEDICAL INFORMATION
CONSENT BY THE PATIENT / PLAINTIFF IN THIS ACTION!
THE REQUESTED ITEMS ARE MAINTAINED AT:

CHUCKAWALLA VALLEY STATE PRISON - MEDICAL DEPARTMENT (Re: F79985)
19025 WILEY'S WELL ROAD (F-79985)
BLYTHE, CALIFORNIA 92225

A COPY OF THIS DOCUMENT HAS BEEN MAILED TO ATTORNEYS FOR
DEFENDANTS AND I CERTIFY AND SWEAR THE FORGOING IS TRUE.

MICHAEL J. AGURAE, COUNSELORS

C/O WENDY DAVISSON, DEPUTY ATTALY.

1200 THIRD AVE, SUITE 1100

SAN DIEGO, CA. 92101

WILLIAM DAUGHERTY

DATE: 19 June 2008